



# UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,565	07/07/2000	Nobuhiko Maki	35.C14627	9229

5514 7590 11/03/2005

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

LEZAK, ARRIENNE M

ART UNIT PAPER NUMBER

2143

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/612,565

Applicant(s)

MAKI ET AL.

Examiner

Arrienne M. Lezak

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,7,8,11,13,21,22,29 and 31-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,8,11,13,21,22,29 and 31-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8 September 2005 has been entered.

Examiner notes that Claims 1, 2, 4, 7, 8, 11, 21, 22, 29 & 31-43 have been amended, Claim 44 has been added, and no Claims have been cancelled. Claims not explicitly addressed herein are found to be addressed within prior Office Action dated 8 June 2005.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2143

2. Claims 1, 2, 4, 7, 8, 11, 13, 21, 22, 29 & 31-44 are rejected under 35 U.S.C.

103(a) as being unpatentable over extensive consideration of US Patent 6,460,030 B1 to Ludtke in view of US Patent US 6,260,063 B1 to Ludtke/Kawamura.

3. Regarding Claims 1, 7, 11, 21, 29 & 39-44, Ludtke discloses a network system, method, apparatus and computer-readable medium comprising a sever, a client and a device, said server, said client and said device being connected to a network, (Abstract; Fig. 5A-5D; Col. 1, lines 64-67; Col. 2, lines 1-2; and Col. 12, lines 1-47);

- said server comprising: first storage means for storing position information indicating the position of said device and a network address, (identifier), of said device; (Col. 12, lines 1-47 – (command structure); Col. 13, lines 8-39 – (identifier); Col. 21, lines 60-67; and Col. 22, lines 1-44);
  - first transmission unit, for transmission of position information and the network address stored by said first storage unit to said client via the network, (Col. 12, lines 1-47 – (command structure));
- said device comprising: second storage means for storing icon data indicating the device, (Fig. 5D; Col. 12, lines 1-47 – (descriptive data); Col. 21, lines 60-67; Col. 22, lines 1-44);
  - control means for transmitting said icon data to said client via the network, (Col. 4, lines 40-54 and Col. 12, lines 1-47 - (command structure and descriptive data) );
- said client comprising: a first reception unit, adapted to receive the position information and the network address transmitted by said first

transmission unit via the network, (Fig. 5D and Col. 12, lines 1-47 - (command structure));

- a second transmission unit, adapted to transmit a request to a device based on the network address received by the first reception unit so as to acquire the icon data stored in the second storage unit from the device via the network, (Fig. 5D and Col. 12, lines 1-47 - (command structure and descriptive data));
- a second reception unit, adapted to receive the icon data transmitted by the control unit via the network, (Fig. 5D and Col. 12, lines 1-47 - (descriptive data)); and
- multiple display means adapted to display, (in characters), the position of the device defined by the position information received by the first reception unit and the icon indicated by the icon data received by the second reception unit, (Col. 2, lines 2-30; Fig. 5D; Col. 12, lines 1-67 - (command structure and descriptive data); and Col. 13, lines 1-5),  
(Examiner notes that the use of multiple display means would have been obvious as it quite common for an individual to have multiple monitors or a single monitor capable of multiple concurrent displays, wherein the display means are obviously capable of displaying any data available on the system. Additionally, division of a display is well-known for receipt of information from multiple sources, (i.e.: frames, maps)).

Art Unit: 2143

4. Examiner notes that Ludtke specifically discloses a response format which may include the data address, object position, object identifier and a list (type) containing the object, all of which satisfy a search criterion, (Col. 12, lines 1-47 – (command structure); Col. 21, lines 60-67; and Col. 22, lines 1-44), which search criterion obviously enumerates the specific needs of the user, and which response is obviously based upon resource status. In other words, Examiner notes that Ludtke returns information which fulfills user need, (as a response containing unavailable resources would not fulfill user need, and thus, such a response would obviously not be returned once it was determined that the resource status was not in compliance with user need/search criteria), and therefore by default, the Ludtke response obviously, (if not inherently), indicates resource availability/status.

5. Additionally, Examiner notes that as Ludtke discloses a response using (types of) list(s) of network devices satisfying search criteria, the use of a hierarchical structure, (i.e.: ADSI accessing LDAP), for said lists is well known in the art and obvious, (if not inherent), to computer/network navigational systems. As the response contains a means, (list), by which a device may be located within a computer network, such a response would obviously, (if not inherently), be in hierarchical form. Moreover, Examiner notes that Ludtke discloses the use of an object identifier, which identifier within a computer network is well known to obviously, (if not inherently), take the form of an icon for ease in identification via graphic/textual representation.

6. Finally, Examiner notes that though Ludtke teaches position information, (descriptive data/ network address), Examiner additionally cites another

Art Unit: 2143

Ludtke/Kawamura patent, (hereinafter, for ease in identification, "Kawamura"), which patent specifically enumerates position information (in a hierarchical manner – per pending Claim 44), within a network, within lists, which lists detail available object services and statuses, (Kawamura – Abstract & Col. 7, lines 11-64). The motivation to combine the two Ludtke references is clear in that the same inventor created both and would obviously have means by which to combine the technology. Additionally, Examiner notes that the Ludtke reference specifically incorporates the teachings of the Kawamura reference, (Ludtke – Col. 13, lines 8-16). Finally, the Kawamura reference clearly enumerates a need for uniformly representing the available devices, (within a network of devices), as well as their capabilities and the available information and services which can be provided by those devices, (Kawamura – Col. 1, lines 61-65). Thus, Claims 1, 7, 11, 21, 29 & 39-44 are found to be unpatentable over the combined teachings of Ludtke and Kawamura.

7. Regarding Claims 2, 8, and 22, Ludtke and Kawamura are relied upon for those teachings disclosed herein. Ludtke further discloses a network system with a client further comprising: a third storage means for storing map data corresponding to position information, wherein the 1<sup>st</sup> display means selects the map data from the third storage means based on the received position information, and the 2<sup>nd</sup> display means displays the icon in accordance with the selected map data, (Col. 2, lines 2-30; Col. 9, lines 66-67; and Col. 10, lines 1-5; Fig. 5D and Col. 12, lines 1-47). As noted above, the use of multiple display means is well-known and as such not patentably distinct. Thus, Claims

Art Unit: 2143

2, 8, and 22 are found to be unpatentable over the combined teachings of Ludtke and Kawamura.

8. Regarding Claim 4, Ludtke and Kawamura are relied upon for those teachings disclosed herein. Ludtke further discloses a network system wherein the device comprises a judgment unit, adapted to judge the status of a device, the second storage unit stores a plurality of icon data each of which corresponds to the status of said device status, and said control unit selects the icon data in accordance with the judged status from the plurality of stored icon data and transmits the selected icon data to client, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44). Thus, Claim 4 is found to be unpatentable over the combined teachings of Ludtke and Kawamura.

9. Regarding Claims 11 & 13, Ludtke and Kawamura are relied upon for those teachings disclosed herein. Ludtke further discloses a device for processing a job requested via a network, comprising:

- first storage means for storing hierarchical position information indicating the position of said device in a plurality of hierarchical layers, (Col. 12, lines 1-47; Col. 21, lines 60-67; and Col. 22, lines 1-44);
- second storage means for storing a plurality of icon data indicating the device, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67; Col. 22, lines 1-44);
- a judgment unit, adapted to judge the status of the device, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44).



- a selection unit, adapted to select icon data indicating the status judged by the judgment unit from among the plurality of icon data stored in said second storage unit, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44); and
- control unit adapted to transmit the icon data selected by said selection unit via the network, (Col. 4, lines 40-54 and Col. 12, lines 1-47), in response to a request from another device on the network, (per pending newly amended Claim 13), (Col. 21, lines 60-67 and Col. 22, lines 1-44). Thus, Claims 11 & 13 are found to be unpatentable over the combined teachings of Ludtke and Kawamura.

10. Regarding Claims 31 & 35, Ludtke and Kawamura are relied upon for those teachings disclosed herein. Ludtke further discloses a system and method wherein the client further comprises a processor unit adapted to process the received position information to identify a device corresponding to the received position information, and wherein the second transmission unit transmits the request to the identified device, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44). Thus, Claims 31 & 35 are found to be unpatentable over the combined teachings of Ludtke and Kawamura.

11. Regarding Claims 32 & 36, Ludtke and Kawamura are relied upon for those teachings disclosed herein. Ludtke further discloses a system and method wherein the position information indicates at least two areas in which the device is located, a first one of the areas being included within another of the at least two areas, (Col. 2, lines 15-30; Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44). Thus, Claims 32 & 36 are found to be unpatentable over the combined teachings of Ludtke and Kawamura.

12. Regarding Claims 33 & 37, Ludtke and Kawamura are relied upon for those teachings disclosed herein. Ludtke further discloses a system and method wherein said client further comprises a third transmission unit adapted to transmit a request to a device corresponding to the received position information so as to acquire a status of the device, and wherein the second reception unit receives the icon data corresponding to the status of the device, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44). Thus, Claims 33 & 37 are found to be unpatentable over the combined teachings of Ludtke and Kawamura.

13. Regarding Claims 34 & 38, Ludtke and Kawamura are relied upon for those teachings disclosed herein. Ludtke further discloses a system and network wherein said client further comprises a third transmission unit adapted to transmit a request to said server so as to search for a desired device, and wherein the first reception unit receives the position information as a response to the request transmitted by the third transmission unit, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44). Thus, Claims 34 & 38 are found to be unpatentable over the combined teachings of Ludtke and Kawamura.

### ***Response to Arguments***

14. Applicant's arguments filed 8 September 2005, have been fully considered but they are not persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the

Art Unit: 2143

objections made. Further, they do not show how the amendments avoid such references or objections.

15. Ludtke discloses the display of menu, (list), information to the user, (Col. 7, lines –31), and a communication command structure between controller and target devices, (Figs 4A-4D; Col. 10, lines 40-67; and Col. 11), as well as a communication command structure between controller, proxy and target devices, (Figs. 5A-5D; Col. 12; Col. 13, lines 1-5; and Claims 1-42). Specifically, Examiner notes that Ludtke discloses “the proxy device directing the target device to transfer the media object described by the descriptive data”, (Col. 12, lines 45-47), which reads upon “based on the (hierarchical) position information received by the first reception unit, (the proxy/server), (the controller/client) displaying the icon indicated by the data received by the second reception unit, (device)”. Further, Examiner notes that Ludtke satisfies Applicant’s need for the client to receive the (hierarchical) position information from the (proxy) server, and receive icon data for a device corresponding to the (hierarchical) position information from the other information (device) processor. Additionally, Examiner notes that based on the teachings of Ludtke, it would have been obvious to combine the controller/device communication with the controller/proxy/device communication whereby the controller requests icon information directly of the device after receipt of descriptive information from the proxy. Such modified communication would have been obvious to one of ordinary skill in the art at the time of invention by Applicant as a means for improving overall network performance, (Abstract), wherein the proxy would then be “freed up” to respond to other user requests.

Art Unit: 2143

16. Regarding Applicant's argument that Ludtke fails to disclose multiple display units, hierarchical position information and icon data, Examiner respectfully disagrees as noted herein above relative to Claim 1, Examiner finds the use of multiple display means to be obvious. Additionally, Examiner notes that Ludtke specifically enumerates a response format for the identifier, which response format includes object positions and object identifier, (Claims 1-42), and which identifier when transmitted to the requestor would obviously be displayed such that the requestor would be able to identify and interact with the same. Moreover, Examiner notes that the status of data is obviously judged when executing a search, as noted herein above, Ludtke returns information which fulfills user need, (as a response containing unavailable resources would not fulfill user need, and thus, such a response would obviously not be returned once it was determined that the resource status was not in compliance with user need/search criteria), and therefore by default, the Ludtke response obviously, (if not inherently), indicates resource availability/status. Finally, as noted herein above, the combined teachings of Ludtke and Kawamura clearly teaches hierarchical network object position information, within lists, which lists detail available object services and statuses, (Kawamura – Abstract & Col. 7, lines 11-64).

17. Thus, as Examiner has completely addressed Applicant's amendment, and finding Applicant's arguments do not show how Applicant's amendment avoids such references or objections, Examiner hereby maintains the rejection of all claims, (original, amended and newly presented), in their entirety.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent US 6,480,748 B1 to Gerszberg; and

US Patent Pub No. US 2002/0124082 A1 to San Andres.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak  
Examiner  
Art Unit 2143

AML

  
DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100